IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: COMMONWEALTH'S MOTION

TO APPOINT NEW COUNSEL

AGAINST OR DIRECTED TO DEFENDER

ASSOCIATION OF PHILADELPHIA

COMMONWEALTH OF PENNSYLVANIA,

Plaintiff,

MISCELLANEOUS ACTION

NO. 13-62-CMR

v.

FRANCIS BAUER HARRIS, Defendant.

RESPONDENT DEFENDER ASSOCIATION OF PHILADELPHIA'S NOTICE OF SUPPLEMENTAL AUTHORITY

Respondent Defender Association of Philadelphia respectfully requests that the Court take notice of a recent opinion by Judge McLaughlin in the analogous case challenging the FCDO's representation of Isaac Mitchell. See In Re Proceeding In Which The Commonwealth of Pennsylvania Seeks to Compel the Defender Association of Philadelphia to Produce Testimony and Documents and to Bar It from Continuing To Represent Defendant Mitchell In State Court, No. 13-cv-1871 (E.D. Pa. Aug. 15, 2013) (Exhibit A). The opinion concludes that the FCDO was entitled to remove a disqualification proceeding to federal court pursuant to 28 U.S.C. §§ 1442 and 1446(g), and that the proceeding was subject to dismissal due to the Commonwealth's lack of a right of action and preemption. These holdings bear directly on the questions raised by the Motion to Dismiss (Dkt. 5) and Motion to Remand (Dkt. 6) pending before this Court.

Respectfully submitted,

Dated: August 16, 2013

/s/ David Richman
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CERTIFICATE OF SERVICE

I hereby certify that on August 16, 2013, a true and correct copy of the foregoing Notice of Supplemental Authority will be served via CM/ECF Notification upon the following:

Christopher J. Schmidt Pennsylvania Office of the Attorney General 16th Floor, Strawberry Square Harrisburg, PA 17120

/s/ David Richman
David Richman